



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 30 2017

CERTIFIED MAIL 7016 1970 0000 8992 7400
RETURN RECEIPT REQUESTED

Mr. Richard E. Glaze
Balch & Bingham LLP
30 Ivan Allen Jr. Boulevard, N.W., Suite 700
Atlanta, Georgia 30308-3036

Re: Supplemental Information Request to Brunswick Corporation Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, Regarding the Hammer Strength Facility in Falmouth, Kentucky

Dear Mr. Glaze:

On November 9, 2016, the U.S. Environmental Protection Agency, Region 4 (EPA), sent a request for information pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, to your client, Brunswick Corporation (Brunswick), regarding its Hammer Strength facility (Facility) located at 188 Hammer Drive, Falmouth, Kentucky 60045-4811. Brunswick responded to this information request on February 8, 2017, and supplemented its response on February 21, 2017. The EPA's information request sought to determine the Facility's compliance with the requirements of Sections 301 and 307(d) of the CWA, 33 U.S.C. §§ 1311 and 1317(d), the regulations promulgated thereunder at 40 C.F.R. Part 403, and the Commonwealth of Kentucky's pretreatment regulations, 401 KAR 5:057.

After review of Brunswick's responses, the EPA found that additional information is necessary to determine the Facility's compliance with the above requirements, including the precise locations of samples taken at the Facility and the cost of such sampling, the existence of signed copies of certain documents included in Brunswick's February 8, 2017 response to the EPA and of certain sampling records, and whether any toxic organic management plans were ever prepared by Brunswick and approved by the relevant authority. As a result, the purpose of this letter is to request that Brunswick supplement its prior responses. Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA therefore requests that Brunswick respond to the Supplemental Information Request in Enclosure A within 21 calendar days of your receipt of this letter.

Brunswick's response should be submitted to:

Mr. Dennis Sayre
U.S. Environmental Protection Agency, Region 4
NPDES Permitting and Enforcement Branch
Atlanta Federal Center (MC 9T25)
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

All information submitted in response to this information request must be accompanied by the following certification that is signed by a duly authorized official in accordance with 40 C.F.R. § 403.12(l):

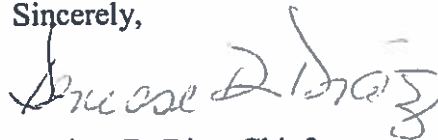
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If Brunswick believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

The EPA appreciates your prompt attention to this matter. Should you have any technical questions regarding this letter, please contact Mr. Dennis Sayre at (404) 562-9756 or sayre.dennis@epa.gov. All other inquiries should be directed to Mr. Nathan Stopper, Assistant Regional Counsel, at (404) 562-9581 or stopper.nathan@epa.gov.

Sincerely,



Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

Enclosures

cc: Ms. Sara Beard
Kentucky Department for Environmental Protection

Mr. Jeff Cummins
Kentucky Department for Environmental Protection

ENCLOSURE A

SUPPLEMENTAL INFORMATION REQUEST **PURSUANT TO SECTION 308 OF THE CLEAN WATER ACT**

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request.
3. Precede each answer with the text and the number of the question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the question and subpart of the question to which they are responsive.
5. In answering each Information Request question and subpart thereto, identify all documents and persons consulted, examined or referred to in the preparation of each response, and provide true and accurate copies of all such documents.
6. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA as soon as possible.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to a question, you must respond to the question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
10. The EPA requests that all documents provided in an electronic format be compatible with pdf.
11. The EPA requests that all spreadsheet information be in an electronic format and compatible with MS Excel.
12. If any question relates to activities undertaken by entities other than the recipient of this Information Request, and to the extent that you have information pertaining to such activities, provide such information for each entity.

Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine shall be construed in the feminine if appropriate, and vice versa, and words in the singular shall be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term “COC Sheet” shall mean a sampling chain-of-custody form used to record and track samples collected at the facility for laboratory analysis.
5. The term “EPA” shall mean the U.S. Environmental Protection Agency, Region 4.
6. The term “Facility” shall mean Brunswick Corporation’s Hammer Strength facility located at 188 Hammer Drive, Falmouth, Kentucky 60045-4811.
7. The term “Representative Receipt” shall mean a dated expense receipt identifying charges by a certified laboratory for analyzing samples of process wastewater collected on a stated date for the constituents provided in 40 C.F.R. § 433.15 or 40 C.F.R. § 433.17.
8. The term “Control Authority” shall have the meaning set forth in 40 C.F.R. § 403.3(f).
9. The term “you” and “your” shall mean Brunswick Corporation.
10. The term “Brunswick’s First Production” shall mean the letter and attachments produced by Brunswick to the EPA on February 8, 2017, in response to the EPA’s 308 Information Request letter dated November 9, 2016.

Questions

1. The following questions pertain to documents included in Attachment 2 of Brunswick's First Production:
 - a. The COC Sheets documented in the pages listed below do not include the precise locations of where the relevant samples were taken. Please provide a schematic diagram of the facility showing where each sample was taken. If samples were taken in different places, then please provide a separate schematic diagram for each of the following COC Sheets showing where each sample was taken:
 - i. BWC_000103, BWC_000112, BWC_000120, BWC_000133, BWC_000137, BWC_000143, BWC_000147, BWC_000152, BWC_000173, BWC_000173, BWC_000189, BWC_000204, BWC_000220, BWC_000309, BWC_000378, BWC_000406, BWC_000462, BWC_000486, BWC_000503, BWC_000513, BWC_000524, BWC_000528, and BWC_000536.
 - b. The following documents are either partially or completely unsigned: BWC_000046, BWC_000081, BWC_000092, BWC_000159, BWC_000281, BWC_000350, BWC_000433, and BWC_000520. Please provide a copy of each completely signed document or state that no such version exists.
 - c. Brunswick's First Production contains two records of samples, dated April 30, 2009, and August 16, 2012, collected from Brunswick's 5-stage washer system used prior to installation of its 7-stage washer system. Please provide copies of any additional records of sampling of the 5-stage washer system from May 1, 2012 to May 13, 2013. If no other sampling records are available, then please state so.
2. Please provide Representative Receipts for analysis of samples collected from the 5-stage washer system and the 7-stage washer system. If Representative Receipts are not available, then please provide a written cost estimate for analysis of samples from each washer system from a laboratory certified to perform the appropriate analysis, indicating estimated figures.
3. Please provide a detailed description of the "wastewater collection and treatment system installed in 2011," as referenced on page 10 of your February 8, 2017, letter.
4. Please provide a copy of any approved toxic organic management plans and the written approval(s) from the pretreatment Control Authority that are referenced in 40 C.F.R. §433.15(d) or 40 C.F.R. §433.17(d), for the 5-stage washer and 7-stage washer systems.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so stat